

RULEMAKING NOTICE FORM

Notice Number 2017-24	Rule Number He-W 602.16 & He-W 602.17						
1. Agency Name & Address: Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St, Brown Bldg. Concord, NH 03301	2. RSA Authority: <u>RSA 167:3-c, I</u> 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>						
5. Short Title: Expiring Rules Related to Eligibility for Additional Hardship Extensions to the 60-Month Lifetime Limit on Receipt of FANF Financial Assistance							
6. (a) Summary of what the rule says and of any proposed amendments: The Department of Health and Human Services (Department) is proposing to readopt with amendment He-W 602.16 and He-W 602.17. These rules relate to eligibility for additional hardship extensions to the 60-month lifetime limit on receipt of financial assistance to needy families (FANF) financial assistance. These rules are scheduled to expire on April 1, 2017, but are subject to extension pursuant to RSA 541-A:14-a. He-W 602.16 describes eligibility guidelines for additional hardship extensions. He-W 602.17 describes hardship extension guidelines for two-parent families. The changes to He-W 602.16 and He-W 602.17 are editorial in nature. Current policy remains unchanged.							
6. (b) Brief description of the groups affected: Groups affected include families that have received FANF financial assistance due to being granted a hardship extension.							
6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:							
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left;">Rule</th><th style="text-align: left;">Federal Reg./RSA</th></tr></thead><tbody><tr><td>He-W 602.16</td><td>RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C)</td></tr><tr><td>He-W 602.17</td><td>RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C); 45 CFR 233.100-101</td></tr></tbody></table>		Rule	Federal Reg./RSA	He-W 602.16	RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C)	He-W 602.17	RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C); 45 CFR 233.100-101
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7. Contact person for copies and questions including requests to accommodate persons with disabilities: Name: Catherine Bernhard Title: Rules Coordinator Address: Dept. of Health & Human Services Phone #: 271-9374 Administrative Rules Unit Fax#: 271-5590 129 Pleasant Street, Brown Bldg. E-mail: catherine.bernhard@dhhs.nh.gov Concord, NH 03301 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH) The proposed rules may be viewed and downloaded at: http://www.dhhs.nh.gov/oos/aru/comment.htm							
8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: Thursday, March 16, 2017							

☒Fax

☒E-mail

☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, March 9, 2016 at 10:00 AM**

Place: **DHHS, Brown Bldg., Room 232 , 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 16:273 , dated January 10, 2017

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact of state funds:

42 USC 608(a)(7)(C) was enacted to allow states to exempt families from the 60-month lifetime limit for hardship reasons, including if the family contained an individual that had been subjected to extreme cruelty, as implemented by He-W 602.08(c)(1). No impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not create a new program or responsibility, expand or modify an existing program or responsibility, or mandate any fees, duties or expenditures on the political subdivision of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.

Readopt with amendment He-W 602.16, effective 4-1-09 (Document #9433), as amended effective 9-1-10 (Document #9775), to read as follows:

He-W 602.16 Eligibility for Additional Hardship Extensions.

(a) Families that have received FANF due to having been previously granted a hardship extension pursuant to He-W 602.08 shall have the right to request additional extensions.

(b) The criteria, duration, verification, and request process described in He-W 602.08 through He-W 602.10 and the required NHEP work program participation and extension review process described in He-W 602.14 and He-W 602.15 shall apply to each request for an extension for the same or new hardship reason.

(c) When an AG has had an extension granted pursuant to He-W 602.08(c)(2)b that is documented as long term, and the individual is requesting a subsequent hardship extension for the same reason, the individual shall have also applied for the aid to the permanently and totally disabled program, Supplemental Security Income (SSI), Social Security Disability Income (SSDI), and/or all other potential disability benefits pursuant to He-W 652.07 prior to the granting of an additional extension request.

(d) When an individual has had an extension granted pursuant to He-W 602.08(c)(2)c, and the individual is requesting a subsequent hardship extension for the same reason, prior to the granting of an additional extension the department shall determine:

(1) If a permanent exemption as described in He-W 637.04(e) exists; and

(2) If the family wishes to transfer to the family assistance program as described in He-W 601.04(d).

(e) Once an AG's hardship extension has been terminated 2 times due to non-compliance with NHEP work program requirements without good cause, the AG shall not be eligible for additional extensions.

Readopt with amendment He-W 602.17, effective 4-1-09 (Document #9433), to read as follows:

He-W 602.17 Two-Parent Families. Whenever a 2-parent ~~AG assistance group (AG)~~ is requesting a hardship extension to the 60-month lifetime limit on receipt of ~~FANF~~ financial assistance ~~to needy families (FANF)~~ pursuant to He-W 602.08, the following shall apply:

(a) If both parents in the AG have received FANF financial assistance for 54 or more months on the day the AG signs the request for an extension, both parents shall meet one or more of the hardship criteria in He-W 602.08(c);

(b) If one parent has received FANF financial assistance for 54 or more months and the other parent has received FANF financial assistance for less than 54 months on the day the AG signs the request for an extension, only the parent who has received FANF financial assistance for 54 or more months shall meet a hardship criterion;

(c) If the other parent described in (b) above exceeds 54 months of receipt of FANF financial assistance during a 6-month extension period, the AG shall continue to receive FANF financial assistance for the entire 6-month extension period based on one parent meeting one or more hardship criteria; and

(d) When the 6-month extension period in (c) above ends, each parent shall be required to meet one or more hardship criteria as described in (a) above if the AG requests an additional extension pursuant to He-W 602.16.

APPENDIX

<u>Rule</u>	<u>RSA/ Federal Citation</u>
He-W 602.16	RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C)
He-W 602.17	RSA 167:3-c, I; RSA 167:7, III; 42 USC 608(a)(7)(C); 45 CFR 233.100-101